

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

First named inventor : Gary J. Nabel

Group Art Unit: unknown

App. No. : PCT/US98/27364

Filed : December 23, 1998

Title : IMMUNIZATION FOR EBOLA VIRUS INFECTION

Examiner : unknown

RECEIVED

15 OCT 2001

Legal staff
International Division

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box DAC

The above-identified application became abandoned in the United States for failure to timely complete the U.S. National Phase under 35 U.S.C. § 371. The abandonment date of this application is June 24, 2000 (the day after 30 months from the earliest claimed priority date).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

(X) Other than small entity - fee \$1,240
2. Proposed response and fee
 - a. The proposed national phase application, along with accompanying documents, is enclosed herewith.
 - b. The national phase filing fee is enclosed herewith.
3. Verified statement that delay was unintentional

The entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 C.F.R. 1.137(b) was unintentional.

- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

BACKGROUND

On December 23, 1998, Applicants filed International Application No. PCT/US98/27364 which claimed a priority date of 60/068,655 filed December 23, 1997, and which designated the United States. A copy of the International Application is not required, as the application was filed in the United States Receiving Office (RO/US).

On July 23, 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date, and as a result the deadline for payment of the basic national fee was extended to expire 30 months from the priority date, or on June 23, 2000.

Applicants file herewith a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, a combined declaration and power of attorney executed by the inventors, an authorization to charge additional fees to Applicants' Deposit Account No. 11-1410, and the instant petition to revive with the appropriate petition fee.

DISCUSSION

A petition under 37 C.F.R. 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional", and (4) any terminal disclaimer and fee required pursuant to 37 C.F.R. 1.137(d).

As to Item (1), the proper reply was payment of the basic national fee, which Applicants have enclosed herewith or which may be charged to Applicants' Deposit Account No. 11-1410. With regard to Item (2), the appropriate petition fee is enclosed herewith or may be charged to Applicants' Deposit Account No. 11-1410. With regard to Item (3), Applicants have made the appropriate statement. With regard to Item (4), a terminal disclaimer is not required in this application because it was filed after June 8, 1995.

A review of the application file should reveal that, with the filing of the present petition and accompanying papers, all of the requirements of 37 C.F.R. 1.137(b) for revival have been submitted.

Applicants submit herewith a declaration executed by all inventors. Applicants also submit herewith the requisite surcharge for filing the declaration after the thirty month period.

CONCLUSION

All the requirements of 37 C.F.R. 1.137(b) have been met, and thus Applicants' petition to revive should be **GRANTED**.

This application should be forwarded to the United States Designated/Elected Office for preparation and mailing of a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 C.F.R. 1.494 or 1.495 in accordance with this decision and for the preparation and mailing of a filing receipt.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/17/01

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